

Serial No. 10/799,423

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Drawing Amendments

There are no amendments to the drawings.

Serial No. 10/799,423

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Remarks

The Final Office Action of 04/23/2007 rejected claims 16-28 under 35 U.S.C. §101 for reciting non-statutory subject matter. In addition, the Office Action rejected claims 2, 3, 8, 13, 14, 16, 17, 22, and 27-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,665,375 of R. Forlenza, et al. (hereafter referred to as Forlenza) in view of U.S. Patent 6,975,712 of C. Schnarel et al. (hereafter referred to as Schnarel) and further in view of U.S. Patent 5,220,674, of W.E. Morgan, et al. (hereafter referred to as Morgan). Also, the Office Action rejected claims 4-7, 9-12, 18-21, and 23-26 under 35 U.S.C. §103(a) as being unpatentable over Forlenza in view of Schnarel and Morgan and further in view of U.S. Patent 6,192,341, of C.H. Becker, et al. (hereafter referred to as Becker). Finally, the Office Action made statements in the "Response to Arguments" section with which applicants either do not understand or disagree. Claims 2, 8, and 16-28, are being amended. Claims 37 and 38 are being added. No claims are being canceled.

Response to Arguments Section of the Office Action

With respect to the Examiner's comments on page 2 concerning the continuation-in-part status of the above-identified patent application, what applicants stated in the "Remarks" section, on page 20 of the amendment filed on

Serial No. 10/799,423

02/12/2007, was "The present application is a Continuation-In-Part application. The Examiner is correct that the parent priority documents do not disclose 'emphasizing the status information using visual enhancement'. However, the parent priority documents do disclose detailed operations which are utilized in the present application for obtaining the telecommunication terminal status information and for presenting the emphasized status information." Applicants' attorney does not understand the Examiner's remark that states "therefore, as applicant has admitted on page 20 of the Remarks, all claims receive the EFD of the instant application, since the inventive element is not present in the priority application." Applicants' attorney would appreciate if the Examiner would explain this more fully and cite proper references for this statement.

Applicants disagree with the Examiner's statement on page 3, which states "it is further noted that the preamble of independent claims 2, 8, 16, and 22 is not relevant because a preamble is not given weight when it is only recites a summary of the claim and/or and intended use and the process steps and/or apparatus components are capable of standing on their own..." However, applicants have amended these independent claims to repeat the relevant portion of the preamble in later portions of these claims.

Rejection of claims 16-28 under 35 U.S.C. §101

Serial No. 10/799,423

Claims 16-28 have been amended as suggested by the Examiner to overcome this rejection.

Rejection of claims 2-3 and 16-17 under 35 U.S.C. §103(a) over Forlenza in view of Schnarel and Morgan

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where applicant's invention is re-created from references using the application as a blueprint. The Applicants respectfully assert that the first and second criteria has not been meant and that the third criteria also has not been meant since the combination of Forlenza, Schnarel, and Morgan fail to teach or suggest each limitation of the Applicant's claimed invention.

Consider whether the third criteria is meant.

Amended claim 2 recites:

Serial No. 10/799,423

A method for providing telecommunication terminal status information as enhanced telecommunication terminal status information, comprising:

- receiving telecommunication terminal status information by a telecommunication terminal via a network;

- establishing direct communication with the telecommunication terminal via the network by a computer controlling a visual display separate from the telecommunication terminal;

- directly accessing the telecommunication terminal status information from telecommunication terminal by the computer via the network;

- emphasizing the accessed telecommunication terminal status information using visual enhancement; and

- displaying the emphasized visual telecommunication terminal status information on the visual display to a user having at least one of poor visual acuity and poor hearing.

At the very least, Forlenza, Schnarel, and Morgan, do not singularly or in combination disclose the steps of establishing and accessing as recited in amended claim 2. Further, Forlenza, Schnarel, and Morgan do not singularly or in combination disclose the steps of emphasizing the accessed telecommunication terminal status information using visual enhancement; and displaying the emphasized visual telecommunication terminal status information on the visual display to a user having a least one of poor visual acuity and poor hearing. There is no teaching or suggestion in these references of providing status information for a person having poor hearing. Amended claim 2 is clear that a direct communication is established between the telecommunication terminal and the computer via a network and also that the telecommunication terminal status information is directly accessed from the telecommunication terminal by the computer

Serial No. 10/799,423

via the network. In addition, it is the accessed telecommunication terminal status information that is emphasized and displayed not telecommunication terminal status information directly received from a telecommunication switching system.

It is important to consider what is disclosed in Morgan. In summary, Morgan discloses that a variety of remote stations 18-26 can gain access to current status information from the printers 16 by accessing this information which is stored in local area print server 10, and that the remote stations communicate with local area print server 10 via bus 14. However, a remote station such as printing client 18a cannot directly access a printer, such as printer 16a, via bus 14 but must make a request from local area print server 10 for such information via bus 14. The Office Action cited column 3, lines 15-40 as disclosing that Morgan discloses that a remote station such as 18a can directly communicate and directly access status information from a printer such as printer 16a. The cited text is very clear that all information communicated between a remote station and printer must be processed by the local area print server. There is no disclosure or suggestion that a remote station can directly access information from a printer.

The Office Action also references column 7, lines 30-43. However, the cited text is very clear that when a remote station wants status information it obtains this information from local area print server 10. Morgan clearly states "the local area

Serial No. 10/799,423

print server 10 monitors the status of events occurring internally and within printers 16a and 16b. This enables the local area print server 10 to respond to status inquiries from other components..." (See Column 7, lines 30-33.)

Further, Morgan clearly states:

The local area print server 10 is connected to the network 12 by a communication link, or bus 14, which allows communication between the components that comprise the network 12... Collectively, the local area print server 10 and the printers are known as a printing system 17. The network 12 includes a number of components including processor units, represented by printing clients 18a and 18b that make printing requests on the printing system 17. One or more components of network 12 may have a terminal designated as an operator console 20 that allows an operator to monitor and control the activities of network 12, including programs that are running on it. A service manager 22 may be provided to automatically monitor and control the operation of network 12. (See Column 6, lines 7-26.)

Clearly, all status queries from the components of network 12 must be communicated over bus 14 to local area print server 10 which had stored the status information for printers 16. These components do not directly communicate or directly access status information from printers 16 as was stated in the Office Action.

It is clear that the rejection under 35 U.S.C. §103 (a) based on Forlenza, Schnarel, and Morgan does not meet the third criteria since Forlenza, Schnarel, and Morgan do not singularly or in combination disclose the steps of establishing, accessing, emphasizing, and displaying, as recited in amended claim 2.

Serial No. 10/799,423

With respect to the first criteria, applicants will now comment on the propriety of combining the references in the manner performed in the Office Action. This appears to be hindsight reconstruction were the Office Action is using the application as a blueprint to find parts of the claimed invention in multiple references. Hindsight reconstruction has long been frowned upon:

A rejection based on section 103 clearly must rest on factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, all facts must be considered. The Patent Office has the initial duty of supplying the factual basis for this rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or **hindsight reconstruction** to supply deficiencies in its factual basis. In re Warner, 379 A.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967) cert. denied, 389 U.S. 1057 (1968) (emphasis in original).

Clearly, the Office Action engaged in hindsight reconstruction to combine a patent that disclosed the operation of a local area print server with two patents disclosing different types of operations for providing telecommunication service. The Office Action's reasoning for such a combination as set forth in the last paragraph of page 11 does not justify this combination of references. Indeed, the statement in this section which states "it would be redundant to send such information to both the telecommunication terminal and the computer, especially since the devices are on this same local/wide area network and are accessible to each other...

Serial No. 10/799,423

Morgan provides a sample of a local area system that receives status information and forwards such status to local clients as described above." This gives no basis for stating that the references may be combined to disclose the steps of establishing direct communication and directly accessing as recited in amended claim 2. Indeed, the statement clearly shows that Morgan does not allow a local client to directly establish communication and directly access information from a telecommunication terminal or a printer.

With respect to the second criteria, the combination of Forlenza, Schnarel, and Morgan has no reasonable expectation of success since the resulting combination would not only be cumbersome but would not function in accordance with the steps recited in amended claim 2. The preceding paragraphs provide a foundation for this statement.

Applicants respectfully submit that the rejection of the Office Action does not meet the first and second criteria for a rejection under 35 U.S.C. §103 (a).

Applicants respectfully submit that amended claim 2 is patentable under 35 U.S.C. §103 (b) over Forlenza, Schnarel, and Morgan.

Dependent claim 3 is directly dependent on amended claim 2 and is patentable for at least the same reasons as amended claim 2.

Serial No. 10/799,423

Claim 16, as amended, and dependent claim 17 are patentable for at least the same reasons as amended claim 2 and claim 3.

Rejection of claims 4-7 and 18-21 under 35 U.S.C. §103(a) over Forlenza in view of Schnarel and Morgan and further in view of Becker

Dependent claims 4-7 are directly or indirectly dependent on independent claim 2, as amended. Independent claim 2, as amended, is patentable over the cited references since independent claim 2, as amended, has already been shown to be patentable over Forlenza in view Schnarel and Morgan under 35 U.S.C. §103(a). The Office Action only cited Becker to "expressly address the situation of users with low visual acuity." Hence, independent claim 2, as amended, is patentable over the cited references. Dependent claims 4-7 are patentable over the cited references for at least the same reasons as independent claim 2, as amended.

Dependent claims 18-21 are directly dependent on independent claim 16, as amended. Dependent claims 18-21 are patentable for similar reasons as dependent claims 4-7 since amended claim 16 is patentable over the cited references for the same reasons as amended claim 2.

Rejection of claims 8, 13, and 14 under 35 U.S.C. §103(a) over Forlenza in view of Schnarel and further in view of Morgan

Amended claim 8 recites:

establishing direct communication with a
telecommunication switching system controlling a
telecommunication terminal by a computer controlling a visual

Serial No. 10/799,423

display where the computer is a separate unit from the telecommunication terminal;

directly accessing the telecommunication terminal status information from the telecommunication switching system by the computer via a path distinct from that used to transmit the telecommunication terminal status information to the telecommunication terminal;

emphasizing the accessed telecommunication terminal status information using visual enhancement; and

displaying the emphasized visual telecommunication terminal status information on the visual display to user having at least one of poor visual acuity and poor hearing.

At the very least, Forlenza, Schnarel, and Morgan, do not singularly or in combination disclose the steps of establishing and accessing as recited in amended claim 2. Further, Forlenza, Schnarel, and Morgan do not singularly or in combination disclose the steps of emphasizing the accessed telecommunication terminal status information using visual enhancement; and displaying the emphasized visual telecommunication terminal status information on the visual display to a user having at least one of poor visual acuity and poor hearing. There is no teaching or suggestion in these references of providing status information for a person having poor hearing.

The Office Action seems to be confused about the recited step of "establishing direct communication with a telecommunication switching system controlling a telecommunication terminal by a computer controlling a visual display separate from the telecommunication terminal". The Office Action states, on page 15, "Forlenza fails to expressly teach connecting to the telecommunication terminal by the

Serial No. 10/799,423

computer via the network, whereas Morgan teaches: establishing communication with the telecommunication terminal via the network by a computer...." As applicants showed with respect to the discussion of amended claim 2, Morgan does not teach what the Office Action states. Further, amended claim 8 does not recite establishing direct communications with a telecommunication terminal but rather establishing direct communications with a telecommunication switching system. Hence, the Office Action's discussion of this step is moot.

With respect to the step of directly accessing as recited in amended claim 8, the Office Action states starting on page 13 that the step of

directly accessing the telecommunication terminal status information from the telecommunication switching by the computer via a path distinct from that used to transmit the telecommunication terminal status information to the telecommunication terminal; (Forlenza Figure 1, telephones 108 attached to PBX 110 as an example, where this clearly provides digital information, and digital phones (e.g. 104) are also known -- 2:40-3:6, where this includes status information 3:50-4:40, such as binary codes and the like, 7:10-25 where the system may deliver status codes directly to the client via the Internet and like, also, Figure 1 shows telephone 104, which is clearly attached to the public network, where this phone can receive some status information (e.g. receiving phone call, terminal state dial tone, etc.). Finally, Forlenza clearly shows that IP phones are contemplated, e.g. 1:40-65, 7:25-40.

First, the text cited by the Office Action does not disclose that the computer may directly access the telecommunication terminal status information from the telecommunication switching system for a telecommunication

Serial No. 10/799,423

terminal that is separate from the computer. Note, that the step of establishing clearly defines that the computer and telecommunication terminal are separate units. The text cited at column 1, lines 40-65, column 2, line 40-column 3, line 6, and column 3, line 50-column 4, line 40 clearly does not disclose this step since there is no discussion of a separate computer obtaining the telecommunication terminal status information for a separate telecommunication terminal from the telecommunication switching system in this cited text.

Consider now the cited text of Column 7, lines 10-40. The text at Column 7, lines 10-25, states that the public switching system may send the call status codes of telephone 104 to the server 134 and that client 138 can retrieve and display the call status codes of telephone 104 by accessing server 134. There is no description in the cited text that discloses or suggests that client 138 directly accesses the call status information for telephone 104 from the public switching system. The text at column 7, lines 26-40 states that client 138 can be utilized as if it was a telephone to make telephone calls. In which case, it does receive call status codes from the public switching system but these are not the call status codes for a separate telephone such as telephone 104.

With respect to criticality of accessing the telecommunication switching system rather than having the telecommunication switching system first have to transmit the call status information to a server, the answer is that it

Serial No. 10/799,423

eliminates the need to have a server; and in addition, the telecommunication switching system does not have to be programmed to transmit the call status information to the server. It is important to realize that only a small number of telephones connected to the telecommunication switching system will require a computer to access the call status information. Hence by allowing the computer to directly access the telecommunication switching system, the processing and programming required of the control computer of the telecommunication switching system is greatly reduced since the control computer does not have to be programmed for telephones requiring the utilization of a computer to display the call status information.

Applicants respectfully submit that amended claim 8 is patentable under 35 U.S.C. §103 (b) over Forlenza, Schnarel and Morgan.

Dependent claims 13 and 14 are directly dependent on amended claim 8 and are patentable for at least the same reasons as amended claim 8.

Rejection of claims 22, 27, and 28 under 35 U.S.C. §103(a) over Forlenza in view of Schnarel and further in view of Morgan

Independent claim 22, as amended, and dependent claims 27 and 28 are patentable for the same reasons as independent claim 8, as amended, and dependent claims 13 and 14.

Serial No. 10/799,423

Rejection of claims 9-12 and 23-26 under 35 U.S.C. §103(a)
over Forlenza in view of Schnarel and Morgan and further in
view of Becker

Dependent claims 9-12 are directly or indirectly dependent on independent claim 8, as amended. Independent claim 8, as amended, is patentable over the cited references since independent claim 8, as amended, has already been shown to be patentable over Forlenza in view Schnarel and Morgan under 35 U.S.C. §103(a). The Office Action only cited Becker to "expressly address the situation of users with low visual acuity." Hence, independent claim 8, as amended, is patentable over the cited references. Dependent claims 9-12 are patentable over the cited references for at least the same reasons as independent claim 8, as amended.

Dependent claims 23-26 are directly dependent on independent claim 22, as amended. Dependent claims 23-26 are patentable for similar reasons as dependent claims 9-12 since amended claim 22 is patentable over the cited references for the same reasons as amended claim 8.

New claims 37 and 38

Support for new claims 37 and 38 may be found in Figure 9 and corresponding text at page 21, lines 4-23. Claims 37 and 38 are directly dependent on claims 8 and 22, respectively, and are patentable for at least the same reasons as their respective independent claims. Further, claims 37 and 38 recite transmitting the password and telephone number of the telecommunication terminal to the telecommunication

Serial No. 10/799,423

switching system. This type of transmitting is not disclosed or suggested in the cited references.

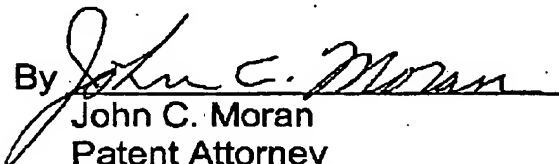
Summary

In view of the foregoing, applicants respectfully request consideration of claims 2, 8, and 16-28, as amended, reconsideration of the remaining claims, as presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

David Ray Burritt
Cynthia Hiatt
Paul Roller Michaelis
Chacko Thomas

By 
John C. Moran
Patent Attorney
Reg. No. 30,782
303-450-9926

Date: _____

John C. Moran, Attorney, P.C.
4120 115th Place
Thornton, CO 80233